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INTERNATIONAL UNION, LOCAL 2015

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 20

SAGAR, INC. dba LA MARIPOSA CARE  
AND REHABILITATION CENTER,

Employer,

and

SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 2015,

Union.

No. 20-CA-203025

**UNION'S JOINDER IN MOTION FOR  
DEFAULT JUDGMENT OF THE  
GENERAL COUNSEL**

The Charging Party, Service Employees International Union, Local 2015, hereby joins in the General Counsel's Motion for Default Judgment.

The Charging Party suggests additional appropriate remedies:

1. The Board's Notice should have a reference to the NLRB's Mobile App, which is available so that employees can learn their rights.
2. The Board's Notice and the Decision of the Board should be mailed to all employees. Simply posting the Notice without further explanation of what occurred in the

proceedings is not adequate notice for employees. The Board Decision should be mailed to former employees and provided to current employees.

3. Additionally, any Notice that is posted should be posted for the period of time from when the violation began until the notice is posted. The short period of 60 days only encourages employers to delay proceedings, because the notice posting will be so short and so far in the future.

4. The Notice should be amended to require that whatever company official signs the Notice print his or her name. Increasingly management representatives are scribbling their names in ways that are illegible. It would not be a burden on the Respondent and it would clarify any notice to have their name printed on the Notice. This will avoid this common place tactic of having illegible names and so that employees have no idea of who has signed the Notice.

5. Notice reading should be required in this matter. That Notice reading should require that a Board Agent read the Notice and allow employees to inquire as to the scope of the remedy and the effect of the remedy. Simply reading a Notice without explanation is inadequate. There cannot be any dispute that a Notice reading would have greater effect in advancing the policies of the Act. A case study of over five hundred NLRB cases, commissioned by the Chairman in 1966, strongly advocated for the adoption of such a remedy, recommending “providing an opportunity on company time and property for a Board Agent to read the Board Notice to all employees and to answer their questions...” The employer should not be present. The Union should be notified and allowed to be present. This should be on work time and paid.

6. The traditional Notice is also inadequate. The standard Board Notice should contain an affirmative statement of the unlawful conduct. We suggest the following:

We have been found to have violated the National Labor Relations Act. We illegally failed and refused to bargain collectively with the Union, SEIU Local 2015 by unreasonably delaying our duty to furnish information to SEIU Local 2015. We acknowledge that we have a legal duty to timely furnish information the selected bargaining representative of our employees.

Absent some affirmative statement of the unlawful conduct, the employees will not understand the arcane language of the Notice. Nor is the Notice sufficient without such an admission. A Notice framed as a statement that the employer will not do specified conduct is not an admission or recognition that the employer did anything wrong to begin with.

7. The Notice should be included with any payroll statements. See California Labor Code Section 226.

8. The employees should be allowed work time to read the Board's Decision and Notice. To require that they read the Notice whether by email, on the wall or at home on their own time is to punish them for Respondent's misdeeds.


9. Respondent should be required to post permanently the Board's ill-fated employee rights notice. (<https://www.nlr.gov/poster>) The Courts that invalidated the rule noted that such a notice could be part of a remedy for specific unfair labor practices. It is time for the Board to impose the requirement for a lengthy posting of that notice as a remedy for unfair labor practices.

For these reasons the General Counsel's Motion for Default Judgment should be granted with the amended remedy sought above.

Dated: November 28, 2017

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By:

  
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### PROOF OF SERVICE

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On November 29, 2017, I served upon the following parties in this action:

Regional Director National Labor Relations Board, Region 20 901 Market Street, Suite 400 San Francisco, CA 94103-1738	Office of the General Counsel National Labor Relations Board 1015 Half Street SE Washington, D.C. 20570-0001  VIA ELECTRONIC FILING
Janee Flanders Sagar, Inc. dba La Mariposa Care And Rehabilitation Center 1244 Travis Boulevard Fairfield, CA 94533 JFlanders@covenantcare.com	Yasmin Marcariola Counsel for the General Counsel National Labor Relations Board 901 Market Street, Suite 400 San Francisco, CA 94103 Yasmin.Marcariola@nlrb.gov

copies of the document(s) described as:

#### **UNION'S JOINDER IN MOTION FOR DEFAULT JUDGMENT OF THE GENERAL COUNSEL**

- [X] **BY ELECTRONIC SERVICE** By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from jaranda@unioncounsel.net to the email addresses set forth above.
- [X] **BY U.S. MAIL** I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing with the United States Parcel Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Alameda, California.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on November 29, 2017.

  
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J. L. ARANDA